

RESOLUTION NO 5430

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA
CALIFORNIA ADOPTING A POLICY FOR THE DISTRIBUTION OF
TICKETS AND/OR PASSES TO CONFORM WITH SECTION 18944.1 OF
TITLE 2 OF THE CALIFORNIA CODE OF REGULATIONS

WHEREAS the Fair Political Practices Commission (FPPC) amended Section 18944.1 of Title 2 of the California Code of Regulations (Regulation 18944.1) which amendment became operative on February 7 2009 that sets forth the circumstances under which the City of La Habra s (City) distribution of certain tickets and passes to a public official would need to be disclosed by the City and not trigger a disclosure requirement for the purposes of the public official s Statement of Economic Interest Form 700 and

WHEREAS tickets or passes subject to Regulation 18944.1 are defined as an admission to a facility event show or performance for an entertainment amusement recreational or similar purpose and

WHEREAS Regulation 18944.1 provides that tickets or passes that are distributed by the City to public officials in accordance with a duly adopted policy are not gifts to the public officials as defined by Government Code section 82028 and

WHEREAS the FPPC recognizes the discretion of the legislative or governing body of an agency to determine whether the City s distribution of tickets and/or passes to City officials serves a legitimate public purpose of the City provided that the determination is consistent with state law and

WHEREAS from time to time the City may receive complimentary or discounted tickets or passes from outside sources or receive tickets or passes pursuant to the City s co-sponsorship of an event or receive tickets or passes pursuant to a contract for the use of City property or receive tickets or passes pursuant to City ownership or control of a venue or may purchase tickets or passes for both public and private events for distribution to City officials and

WHEREAS the distribution to and use of such tickets and passes by public officials frequently serves legitimate governmental and/or public purposes and

WHEREAS based on such practice and in conformance to the requirements of Regulation 18944.1 the City Council desires to adopt a policy regarding the distribution of tickets and/or passes pursuant to Regulation 18944.1

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF LA HABRA
CALIFORNIA DOES RESOLVE DECLARE DETERMINE AND ORDER AS FOLLOWS

SECTION 1 That the Ticket Distribution Policy attached hereto as Attachment A and incorporated herein by this reference is hereby adopted

SECTION 2 That the City Clerk shall certify to the passage and adoption of this resolution This Resolution shall become effective immediately from and after its passage

PASSED APPROVED AND ADOPTED this 2nd



Tamara D. Mason - MMC City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF LA HABRA)

I Tamara D. Mason City Clerk of the City of La Habra do hereby certify that the above and foregoing is a true and correct copy of Resolution No 5430 passed at a regular meeting of the City Council of the City of La Habra held on the 2nd day of August 2010 by the following vote

AYES	COUNCILMEMBERS	GOMEZ, BEAMISH	SHAW	ESPINOZA	SIMONIAN
NOES	COUNCILMEMBERS	NONE			
ABSENT	COUNCILMEMBERS	NONE			
ABSTAIN	COUNCILMEMBERS	NONE			

Witness my hand and the official seal of the City of La Habra this 3rd day of August 2010



Tamara D. Mason - MMC City Clerk

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"ATTACHMENT A"

Ticket Distribution Policy

Policy Number _____

Approved By _____

Effective Date _____

Last Revision _____

Scope Applies to all City Officials who use tickets or passes which are 1) given free to the City by an outside organization, 2) received by the City pursuant to a City contract for use of public property, 3) received pursuant to City ownership or control of a venue, or 4) purchased by the City at fair market value and then given to City Officials

Purpose To ensure that all tickets the City receives from public and private entities and individuals are distributed in furtherance of governmental and/or public purposes, as mandated by recent regulations promulgated by the Fair Political Practices Commission (FPPC), which require that any distribution of tickets received by the City be made pursuant to a written policy

Summary A recent overhaul of FPPC Regulation 18944 1, "Gifts Tickets or Passes to Event," places significant restrictions on the use by City Officials of tickets or passes given free to the City by an outside organization, or tickets which the City purchases and then distributes for free to City Officials ("gift tickets") The old rule effectively exempted many gift tickets from the reporting requirements, allowing distribution to City Officials without the need for reporting or disclosure The new rule mandates that when a City distributes gift tickets 1) gift tickets can only be distributed pursuant to a written "gift ticket distribution" policy adopted by the City, explaining the public purpose achieved by use of the ticket, 2) the distribution of a gift ticket must be disclosed in detail on the City's website through the new Form 802, and 3) the City "in its sole discretion" must determine who actually gets the tickets received from the outside source (i.e., an outside group cannot earmark tickets for specific City Officials)

I DEFINITIONS

A "Agency Head" shall mean and refer to the City Manager or his designee

B "City" shall mean and refer to the City of La Habra

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- C **"City Official"** shall mean and refer to the City's public officials as that term is defined by Government Code section 82048 and Fair Political Practices Commission Regulation 18701. Such term shall include without limitation any City board, commission, or committee member or other appointed official or employee required to file an annual Statement of Economic Interests (FPPC Form 700).
- D **"FPPC"** shall mean and refer to the California Fair Political Practices Commission.
- E **"Immediate family"** shall mean and refer to the spouse and dependent children.
- F **"Policy"** shall mean and refer to this Ticket Distribution Policy.
- G **"Ticket" or "ticket"** shall mean and refer to a ticket or pass as that term is defined in FPPC Regulation 18944.1 as amended from time to time but which currently defines a ticket or pass as admission to a facility, event, show, or performance for an entertainment, amusement, recreational, or similar purpose.

II PURPOSE OF POLICY

- A The purpose of this Policy is to ensure that all tickets the City receives from public and private entities and individuals are distributed in furtherance of governmental and/or public purposes.

III LIMITATION

- A This Policy shall only apply to the City's distribution of tickets to or at the behest of a City Official.

IV TICKET DISTRIBUTION PUBLIC PURPOSES

- A The City may accomplish one or more of the following governmental and/or public purposes through the distribution of tickets to or at the behest of a City Official. The following list is illustrative rather than exhaustive:
 - 1 Promotion of business activity within the City
 - 2 Promotion of City-owned businesses
 - 3 Promotion of community resources available to City residents including charitable and nonprofit organization resources
 - 4 Promotion of City resources available to City residents
 - 5 Promotion of community programs available to City residents including charitable and nonprofit organization programs
 - 6 Promotion of City-run, sponsored or supported community programs
 - 7 Promotion of private facilities available for City resident use including charitable and nonprofit organization facilities
 - 8 Promotion of City facilities available for City resident use
 - 9 Promotion of City growth and development

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- 10 Promotion of events sponsored by the City,
- 11 Promotion of City tourism on a local, state, national or worldwide scale,
- 12 Promotion of City recognition, visibility, and/or profile on a local, state, national or worldwide scale,
- 13 Promotion of open government by City Official appearances, participation and/or availability at business and/or community events, and
- 14 Increasing public exposure to, and awareness of, the various public recreational, cultural, community and education facilities available to the public within the City of La Habra
- 15 Promoting the improvement of intergovernmental relations by encouraging City Officials to attend functions and events with the public officials of other entities, thereby fostering an open dialogue and better understanding of intergovernmental issues

V PUBLIC PURPOSE REQUIREMENT

- A The distribution of any ticket by the City to, or at the behest of, a City official shall accomplish a governmental and/or public purpose

VI TRANSFER PROHIBITION

- A The transfer by any City Official of any ticket distributed to such City Official pursuant to this Policy to any other person, except to members of this City Official's immediate family for their personal use, is prohibited. If a City Official is provided a ticket for use by immediate family, that ticket must be used by the immediate family, if it is not, it must be returned to the City

VII PROHIBITION AGAINST SALE OF OR RECEIVING REIMBURSEMENT FOR TICKETS

- A No person who receives a Ticket pursuant to this Policy shall sell, or receive reimbursement for the value of, the Ticket

VIII NO EARMARKING OF TICKET GIVEN TO CITY

- A No Ticket gratuitously provided to the City by an outside source and distributed by the City to, or at the behest of, a City Official pursuant to this Policy shall be earmarked by the original source for provision to a particular City Official

IX WEBSITE POSTING

- A This Policy shall be posted on the City website in a prominent fashion

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X WEBSITE DISCLOSURE

- A The distribution of a ticket or tickets pursuant to this Policy shall be posted on the City website in a prominent fashion within thirty (30) days after the ticket distribution. Such posting shall use FPPC California Form 802 or such alternate form as from time to time the FPPC may designate.

XI DESIGNATION OF AGENCY HEAD

- A For the purpose of implementing this policy, and completing and posting the FPPC California Form 802, the City Manager or his designee shall be the "Agency Head."

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